

## **REMARKS / ARGUMENTS**

The examiner is thanked for the Office Action of November 10, 2005. This Election and Request for Reconsideration is fully responsive thereto. Claims 18-34 are pending in this application.

With this amendment, claims 18-25 have been amended and claims 26-34 have been withdrawn.

### **Election/Restrictions**

The Examiner requested a restriction under 35 U.S.C. 121 between the following allegedly distinct inventions:

- I.     Claims 18-25, drawn to a method of cryogenic separation with a turbine for supercharged inlet air, with a bypass for the turbine, classified in class 62, subclass 645.
- II.    Claims 26-34, drawn to a method of cryogenic separation with a turbine with a bypass expanding a nitrogen product stream, classified in class 62, subclass 650.

In response to the requirement for restriction, the Applicants provisionally select the invention of Group I, claims 18-25, drawn to a method of cryogenic separation with a turbine for supercharged inlet air, with a bypass for the turbine, and withdraw claims 26-34.

### **Allowable Subject Matter:**

The Applicants thank the Examiner for giving notice that claims 19-23 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

### **Claim Rejections Under 35 U.S.C. § 102:**

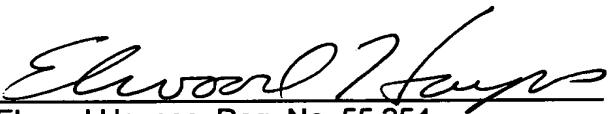
Claims 18, 24, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Rathbone '349. Claim 18, as currently amended, requires that said exchange bypass occurred only during plant start-up. As this limitation is not found in Rathbone '349, this rejection, as pertains to this claim, is rendered moot.

As claims 24 and 25 are dependent upon claim 18, the rejections, as pertain to these claims, are also rendered moot.

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,



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Date: **February 17, 2006**

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### CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 17<sup>th</sup> day of February, 2006.



Diana Guzman